

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

JAMES MAZZA,
Plaintiff,

v.

TARLETON STATE UNIVERSITY-
WACO,

Defendant.

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6-19-CV-00373-ADA

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Report and Recommendation of United States Magistrate Judge Jeffrey C. Mankse. ECF No. 25. The Report recommends that this Court grant Defendant's Motion to Dismiss, and that Plaintiff's Third Amended Complaint be Dismissed with Prejudice for failure to state a claim. The Report and Recommendation was filed on August 20, 2020.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider "[f]rivolous, conclusive, or general objections." *Battle v. U.S. Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996)).

The Magistrate Judge granted the Plaintiff's Motion for Extension of Time to File, extending the Plaintiff's deadline to file an objection to the Magistrate's Recommendation to September 14, 2020. ECF No. 26. Plaintiff filed objections on September 14, 2020. ECF No. 27. The Court has conducted a *de novo* review of the motion to dismiss, the responses, the report and recommendation, the objections to the report and recommendation, and the applicable laws.

After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.


IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Manske, ECF No. 25, is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's objections are **OVERRULED**.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss (ECF No. 18) is **GRANTED** in accordance with the Report and Recommendation.

IT IS FINALLY ORDERED that Plaintiff's Third Amended Complaint (ECF No. 17) is **DISMISSED WITH PREJUDICE**.

SIGNED this 8th day of October, 2020.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE